IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Transfer Application No. 03 of 2006

Smt. Yashoda Devi
W/o Sri Chandra Veer Singh,
D/o Sri Narendra Singh Bisht,
R/o Quarter No. 360, Type-II,
Sector IV, B.H.E.L. Ranipur,
Haridwar, Distt. Haridwar

…….. Applicant

Versus

Sri Chandra Veer Singh
S/o Sri Manmohan Singh,
Presently R/o B-I, Shivaji Colony,
A.S.C. Bucheri Marg, Ashok Nagar,
P.O. Mipap Nagar, Roorkee,
District Haridwar.

…… Respondent

Mr. B.M. Pingal, learned counsel for the applicant.
Mr. Yogesh Pandey, learned counsel for respondent.

Hon'ble Prafulla C. Pant, J.

This is transfer application, moved under Section 24 of the Code of Civil Procedure, 1908, for transfer of Suit No. 41 of 2003; Chandra Veer Singh Vs. Yashoda Devi, from the court of Additional Judge, Family Court, Roorkee to Principal Judge, Family Court, Haridwar.

2) Heard learned counsel for the parties and perused the affidavits and counter affidavit filed by the parties.

3) The applicant Yashoda Devi (wife) is resident of B.H.E.L., Ranipur, Haridwar while the respondent Chandra Veer Singh (husband) is resident of Roorkee, District

Haridwar. The ground for transfer of the case as mentioned in the affidavit filed on behalf of the applicant is that applicant's son suffers from serious brain ailment and requires care and attention of the applicant. It is also alleged that applicant's parents are old and applicant's sister is in private job, as such, she had difficulty in coming from Haridwar to Roorkee. Had Haridwar been a place far of from Roorkee, the ground could have been accepted, but distance between Haridwar and Roorkee is only 25 Kms. and the aforesaid ground cannot be said to be justified for transferring the suit from Roorkee to Haridwar. The applicant in her petition had admitted that her husband (respondent in the present application) is employed with Indian Army and is presently posted in West Bengal. When the husband can come from West Bengal to Roorkee, the wife should have no problem in coming from Haridwar to Roorkee.

4) In the circumstances, for the reasons as discussed above, there is no merit in the application for transfer of the suit from Roorkee to Haridwar. Therefore, the application is rejected. (All other pending interim applications in this petition also stand disposed of.)

(Prafulla C. Pant, J.)

Dt.: 20th April, 2006
H.Negi